

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL LEE AUSTIN,

Civil Action No. 10 – 712

Plaintiff,

District Judge Joy Flowers Conti

v.

DR. ROBERT L. WHITTIG, *M.D.*; MS. FERRELL; SANDY VAJNOVIC, *L.P.M. Licensed Psychology Manager*; MR. MOURNING, *Security Captain*; SUPT. MELVIN LOCKETT, *Superintendent*; UNIT MGR. AL SERVELLO; LT. ROCHE, *Lieutenant*; MR. SHANE DADY, *Counselor*; AMANDA BROWN, *Business Mgr.*; SCI PITTSBURGH HEALTHCARE ADMINISTRATOR; MS. NIEMOCK, *D.S.C.S., Centralized Services*; DEPT SUPT. KOVACS, *D.S.F.M. Facilities Management*; SUPT. ASST. SCIRE, *Grievance Coordinator*; MR. LOGRECO, *P.S.S. Psychological Services Specialist*; KERRI CROSS, *HEX that sanctions "uncompetent" patients w/RHU time*; SUPT FRANKLIN TENNIS; DEPT JOEL DICKSON, *D.S.F.M. Facilities Management*; DEPT MARSH, *D.S.C.S. Centralized Services*; DEPT ROBERT MARSH, *D.S.C.S.*; MELINDA A. SMITH, *Correction Classification & Program Manager*; DR JOHN SYMANS, *Medical Physician*; RICHARD ELLERS, *Corrections Healthcare Administrator*; PRISON HEALTH SERVICES INC., *Contractor of Pa. D.O.C.*; MHM CORRECTIONAL SERVICES INC., *Contractor of Pa. D.O.C.*; SCI ROCKVIEW MAILROOM DEPT.; SCI ROCKVIEW PROGRAM REVIEW COMMITTEE DICKSON, MARSH, LAMAS; DEPT. SUPT THOMPSON, *D.S.F.M. Facilities Management*; SUPT. CAMERON; SUPT ASST. REBECCA REIFER, *Grievance Coordinator*; JAMIE BOYLES, *D.S.F.M. Facilities Management*; JAMEY LUTHER, *D.S.C.S. Centralized Services*; DENNA MARTINEZ, *Mental Health Coordinator*; JAMES HARRINGTON, *Licensed Psychology Manager*; MICHELLE HOUSER, *Unit Manager*; MORRIS HOUSER, *Corrections Classification & Program Manager*; MS. WHITE, *Counselor*; JOHN UHLER, *Psychological Services Specialist*; CAROLINE CHRISTOFF, *Psychological Services Associate*; DOGLASS BOPP, *Corrections Healthcare Administrator*; MICHAEL CASH, *Physician*; LIEUTENANT SEYMORE; LIEUTENANT BEARJAR; JACK WALMER, *Chief Psychologist of State PA. D.O.C.*; CHIEF PSYCHIATRIST OF THE STATE PA. D.O.C.; OFFICE OF PROFESSIONAL RESPONSIBILITY JAMES C. BARNADE DIRECTOR; CENTRAL OFFICE BUREAU OF HEALTHCARE SERVICES; OFFICE OF POPULATION MANAGEMENT VINCENT, MARDIANN I; SPECIAL ASSISTANT TO SECRETARY HEATHER M. YATES; EXECUTIVE DEPUTY SECRETARY, WILLIAM D. SPRINKLE; DEPUTY SECRETARY FOR THE WESTERN DISTRICT, J. BARRY JOHNSON; EDWARD RENDELL, *Governor*; and JEFFREY A. BEARD, *Secretary of PA D.O.C.*

Defendants.

MEMORANDUM ORDER

On May 24, 2010, the above captioned case was filed in this Court and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a report and recommendation on November 24, 2010 (ECF No. 43) recommending that the action be dismissed for failure to prosecute. Plaintiff was served with the report and recommendation at his listed address and was advised that he had until December 13, 2010 to file written objections. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of December, 2010;

IT IS HEREBY ORDERED that this action is **DISMISSED** for failure to prosecute.

IT IS FURTHER ORDERED that the report and recommendation (ECF No. 43) dated November 24, 2010, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Michael Lee Austin
GF5642
PO Box 9991
Pittsburgh, PA 15233